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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,294	07/08/2003	Junichiro Okabe	2003-0898A	7390
513	7590	11/24/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			NGUYEN, HUNG T	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			2636	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,294

Applicant(s)

OKABE ET AL.

Examiner

Hung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 & 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (U.S. 5,963,000).

Regarding claims 1 & 24, Tsutsumi discloses an object sensor system for automatic swing door [ figs.2-3 & 6, col.1, lines 4-25, col.2, lines 20-44 and col.11, lines 58-65 and abstract ] comprising:

- at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3 & 6, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ];
- at least 2 object sensors (100,200) are attached to the doors for detecting the object or human are presence / absence at detected zone [ figs.2-3 & 6, col.9, lines 19-24, col.11, lines 50-57, col.13, line 64 to col.14, line 7 ];
- at least light transmitter & light receiver are used in the system for detecting the object or human are presence / absence at detected zone which causes the swing door opening / closing [ figs.11-12, col.3, line 56 to col.4, line 10, col.15, line 55 to col.16, line 2 and col.27, lines 2-19 ].

Tsutsumi does not specifically mention a term as the object determining means which receives one output from the door position as claimed by the applicant.

However, Tsutsumi clearly teaches that at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3, 6 & 13, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ], a controller (400) is communicated to CPU (302) for monitoring and controlling the door position output (307) which can be programmed (305) in the memory device (306) for detecting the object or human are presence / absence at detected zone which causes the swing door opening / closing [ figs.13-14,18-21, col.8, lines 43-61 and col.21, lines 51-53 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Tsutsumi includes a controller & CPU features for controlling the swing door whether opening / closing when the object / human positions or away from at the detected zone.

Regarding claim 2, Tsutsumi discloses at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3 & 6, col. 10,lines 10-25, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ] and  
- at least 2 object sensors (100,200) are attached to the doors for detecting the object or human are presence / absence at detected zone [ figs.2-3 & 6, col.9, lines 19-24, col.11, lines 50-57, col.13, line 64 to col.14, line 7 ].

Regarding claims 4-6, Tsutsumi teaches at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [

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figs.2-3, 6 & 13, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ], a controller (400) is communicated to CPU (302) for monitoring and controlling the door position output (307) which can be programmed (305) in the memory device (306) for detecting the object or human are presence / absence at detected zone which causes the swing door opening / closing [ figs.13-14,18-21, col.8, lines 43-61 and col.21, lines 51-53 ].

Regarding claims 7-9, Tsutsumi discloses at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3 & 6, col. 10,lines 10-25, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ] and

- at least 2 object sensors (100,200) are attached to the doors for detecting the object or human are presence / absence at detected zone [ figs.2-3 & 6, col.9, lines 19-24, col.11, lines 50-57, col.13, line 64 to col.14, line 7 ].

Regarding claims 10-13, Tsutsumi discloses at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3 & 6, col. 10,lines 10-25, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ] and

- at least 2 object sensors (100,200) are attached to the doors for detecting the object or human are presence / absence at detected zone [ figs.2-3 & 6, col.9, lines 19-24, col.11, lines 50-57, col.13, line 64 to col.14, line 7 ].

Regarding claims 14-17, Tsutsumi discloses at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3, 6 & 13, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ], a controller (400) is communicated to CPU (302) for monitoring and controlling the door position output (307) which can be programmed (305) in the memory device (306) for detecting the object or human are presence / absence at detected zone which causes the swing door opening / closing [ figs.13-14,18-21, col.8, lines 43-61 and col.21, lines 51-53 ].

Regarding claims 18-23, Tsutsumi discloses at least 2 door position sensors (100,200) are attached to the doors for detecting the object or human entering / approaching to the doors / detected zone [ figs.2-3, 6 & 13, col.11, lines 58-65, col.13, line 64 to col.14, line 7 ], a controller (400) is communicated to CPU (302) for monitoring and controlling switches (5-6), switching unit (301) of the door position which can be programmed (305) in the memory device (306) for detecting the object or human are presence / absence at detected zone which causes the swing door opening / closing [ figs. 3, 11 & 16, col.8, lines 43-61, col.21, lines 38-53, col.22, lines 18-30 and line 60 to col.23, line 36 ].

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (U.S. 5,963,000) in view of Scrip et al. Publication No. (U.S. 2004/0113778).

Regarding claim 3, Tsutsumi does not disclose the sensors in the system could be geomagnetism or gyroscope as claimed by the applicant.

Script teaches a movement detector having at least two gyroscope sensors (400A-B) for monitoring the motion of the object [ fig.23, page 12, paragraphs 0138-0139 ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Scrip in the system of Tsutsumi for detecting the movement of the object as the human is approaching & leaving the sensing zone / doors.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dowling (U.S. 6,292,100) Door warning system.
- Hayashida (U.S. 6,304,178) Door safety system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read "Hung T. Nguyen". The signature is fluid and cursive, with the first name "Hung" being more prominent.

Examiner: Hung T. Nguyen

Date: Nov. 16, 2004